

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIRO HIRAMOTO and MAKOTO TAKAMIYA

Application No. 09/389,321

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On September 25, 2002, an Examiner's Answer was mailed (Paper No. 17). A review of the Examiner's Answer reveals that the appeals conference did not comply with the requirements set forth in the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, February 2003) which states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. A review of the file reveals that there are at least three

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A review of the file reveals that there are at least three conferees listed, but only one set of initials. Therefore, it is not clear whether or not the other conferees participated.

Accordingly, it is

ORDERED that the application is returned to the examiner for taking corrective action regarding the appeals conference, and for such further action as may be appropriate.

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By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(703) 308-9797

cc: Robert G. Mukai
Burns, Doanne, Swecker & Mathis LLP
P.O. Box 1404
Alexandria, VA 22313-1404

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